

Exhibit A10

OIS: 160-286-132

STATEMENT OF [REDACTED]

DATE: APRIL 7, 2016

POLICE INCIDENT REPORT NO: [REDACTED]

Q: Sorry for the inconvenience and the chaos and everything else and so forth. I'm Inspector Bonner.

Q: I'm Sergeant Hutchings.

A: This is Sergeant Hutchings.

Q: Yeah. (Unintelligible).

Q: And in spite personal feelin's, a crime is goin' on with whatchamacallit. It's still an investigation, still got a job to do. We talked to your girlfriend separately because that's how we do it so we won't take the interviews and everything else. She said she was inside the tent when this sorta took place. She said you were standing outside, something like that, but we just wanna get a quick statement to the best of your recollection, beginning and end, and that should be it. Okay? Alright. The time is about eleven o'clock. Could you give me your name and date of birth?

A: [REDACTED].

Q: [REDACTED]?

A: Yes, [REDACTED], [REDACTED].

Q: And your date of birth?

A: [REDACTED].

Q: Do you have a contact number or anything I can contact you by?

A: The same number.

Q: The same number, the [REDACTED]? Do you have a hard address,

1 like, if we had to find you, a relative, somebody we can contact
2 to get in contact with you?

3 A: There's my [REDACTED].

4 Q: What's her name?

5 A: [REDACTED].

6 Q: What's her last name?

7 A: [REDACTED].

8 Q: Does she stay here in the City?

9 A: Yes.

10 Q: Where- do you know her date of birth?

11 A: I don't.

12 Q: You know her address?

13 A: (Non-verbal response).

14 Q: You know a contact number for her?

15 A: (Non-verbal response).

16 Q: How old is she, about?

17 A: Her [REDACTED].

18 Q: [REDACTED], you say?

19 A: Mm-hmm.

20 Q: And you said she stays here in the City?

21 A: (Non-verbal response).

22 Q: But you don't know where?

23 A: Down here by the 16th and Mission.

24 Q: When's the last time you saw her?

25 A: Like, yesterday night.

26 Q: So does she stay on [REDACTED] [REDACTED]

27 A: She stays in the hotel down there.

28 Q: Okay. Alright. From the beginning, best of your

1 recollection- right now we're in the 400 block of, I guess it's-

2 Q: Shotwell.

3 Q: Shotwell and we're standing just north of [REDACTED] Shotwell.

4 There's an encampment on the east side of the street with about
5 half a dozen tents and so forth. You occupy one of these tents?

6 A: (Non-verbal response).

7 Q: Okay. There are some tents that are closer up the
8 sidewalk to where the crime scene-

9 A: I stay in the very first.

10 Q: The very first one? It has blue tarp over it? Okay.
11 So you-

12 A: No, not this one, the other one.

13 Q: Oh, the one that's actually-

14 A: Down there.

15 Q: On the other side (unintelligible), that's directly
16 across the street from 442. Okay. You live there. How long
17 have you guys had that spot?

18 A: We've been there almost two months.

19 Q: Okay. Tell me, if you can remember, you know, what you
20 heard, what you saw.

21 A: Start from the beginning. We was gettin' up, gettin'
22 ready to go to our appointment and two regular cop cars and one
23 SUV pulled up and asked us if we seen anybody with a knife and we
24 told 'em no. Then they seen the other dude who was sitting down
25 up there with the knife. He didn't know what was goin' on. He
26 didn't understand what they was saying to him. He got up. The
27 sarge pulled his gun out and opened fire and shot him and killed
28 him.

1 Q: Okay. You gotta start from the beginning. There's a
2 whole bunch goin' on there and I'm just tryin' to connect the
3 dots. You see several, it sounded like you said three marked
4 vehicles that pulled up. Why- was there anything prior to that,
5 prior to the police contacting you, that was going on that you
6 were aware of? So they pulled up. And you said they made
7 immediate contact with you?

8 A: They came over to our tent and asked us- they said
9 somebody called them with- sayin' somebody had a knife up on
10 them. And then the three officers pulled up at that time and
11 that's when they asked us if we seen anybody with a knife.

12 Q: And you guys hadn't seen anybody with a knife. Then
13 what happened?

14 A: Then when they seen the person with the knife, the other
15 cop who had the shotgun, he pulled the shotgun, pulled it back.
16 And when the dude didn't wanna give up the knife, one- the dude
17 with the shotgun shot the fire off first, then hit it at the end
18 with the shotgun and that's when the sarge pulled his gun and
19 opened fire upon the dude.

20 Q: Handgun?

21 A: Yes.

22 Q: Okay. Now, the dude we're talkin' about, do you know
23 him, the actual victim in this case?

24 A: Yes.

25 Q: You know him. What is his name?

26 A: I don't know by his name but I know him but I know him
27 'cause he-

28 Q: He doesn't have a street name?

1 A: No.
2 Q: (Unintelligible).
3 Q: Now, does he live in one of these tents up here?
4 A: Yes.
5 Q: Which one?
6 A: The [REDACTED].
7 Q: (Unintelligible).
8 Q: Okay. Does he stay there by his self?
9 A: Yup.
10 Q: Okay. Now, when he was standin' there getting commands-
11 being given commands to by the police, did you see him with a
12 weapon?
13 A: No.
14 Q: You didn't see any knife, any club, gun, no weapon at
15 all?
16 A: No.
17 Q: And when they were- and did you hear any commands?
18 A: We just- only thing I heard is the cops was tellin' him,
19 like, get down. And he was goin' in circles 'cause he couldn't
20 understand them.
21 Q: Okay. Well, how do you know he couldn't understand?
22 A: 'cause he was speaking in Spanish.
23 Q: Okay. He was speakin' in Spanish.
24 Q: Who was speakin' in Spanish, the police officers?
25 A: No, the victim.
26 Q: Okay. And how many times did they tell him to stop or
27 get on the ground or- what did they exactly say to him?
28 A: I only heard him- heard them say get on the ground

1 twice.

2 Q: Okay. Did he do anything when the- you say the officer
3 with the shotgun- what color was the shotgun?

4 A: It was, like, black and orange.

5 Q: When the officer- and you say he shot twice or once?

6 A: Twice.

7 Q: When he shot twice, do you know if he hit your friend,
8 the subject that we're talkin' about?

9 A: Yes.

10 Q: How do you know that?

11 A: Because we seen him- after he got hit once, he got up
12 and the dude hit him again. That's when he was goin' in circles.
13 That's when the other officers pulled their handguns out and
14 that's when the sarge hit the dude two times and that's when he
15 fell down and hit the ground.

16 Q: Now, the dude, the victim that we're talkin' about, you
17 say he was runnin' in circles. Was he chargin' at the officers
18 in any way?

19 A: No.

20 Q: Was he goin' away from the officers? 'cause circles, I-
21 you gotta- I have a piece of paper here in my notebook. Why
22 don't you draw for me where the officers- I'll draw the sidewalk
23 right here. We'll say this is a fictitious sidewalk between,
24 what is that, 19th and is that 20th or 19th- 18th and 19th Street on
25 Shotwell. Was he on the sidewalk, your friend (or the victim
26 we're talkin'), was he on the sidewalk or was he in the street?

27 A: He was on the sidewalk.

28 Q: The whole time?

1 A: Yup.

2 Q: Okay. So I'm makin' a circle on my sheet right here,
3 him being on the sidewalk. I want you to place on the sheet
4 where the officers were standing at the time they made contact
5 with him.

6 A: Right here.

7 Q: Well, draw an X inside those circles. And the X would
8 represent the officers. Is that okay?

9 Q: And only- and we only talkin' about two officers. Okay.

10 Q: Now, where were you?

11 A: I was in my tent about right here.

12 Q: Inside the tent?

13 A: I was standin' by the door there.

14 Q: Inside or outside?

15 A: Inside the tent area.

16 Q: Okay.

17 Q: At the entrance of the tent?

18 A: Yup.

19 Q: Okay.

20 Q: Okay.

21 Q: So here on the paper, were- they- I'm looking. They're
22 fairly close together.

23 A: Yeah.

24 Q: So how many feet, if you had to estimate, was your
25 friend (or the subject we're talkin' about) and the police
26 officers? What kind of distance we talkin' about?

27 A: He was standing between- he got up from by the wall. He
28 was standin' right there by the pole.

1 Q: Okay.

2 A: And that's when he was goin' around the pole and that's
3 when the officer pulled his gun and started shooting.

4 Q: So you say he was goin' in circles. Was he goin' in
5 circles in place, goin' in circles around an object, goin' in
6 circles? Was he-

7 Q: Was he spinning or was he walking?

8 A: He was spinnin' around in circles 'til the officer hit
9 him with the regular gun and that's when he fell and hit the
10 ground.

11 Q: Now, the officer with the handgun, how many times do you
12 think he shot?

13 A: About- I'd say about three.

14 Q: You remember three shots? And when he shot three times,
15 what did the subject do after he was- the shots were fired?

16 A: He fell and he hit the ground.

17 Q: And then when he hit the ground, what did the officers
18 do after that?

19 A: They called backup.

20 Q: And then what did they- did anybody walk up on the
21 subject to check on him?

22 A: No.

23 Q: How do you know?

24 A: I don't know if anybody walked up on him or not.

25 Q: Okay. Well, you just said no and now you're saying I
26 don't-

27 A: I was up at the- and I seen him hit the ground and I got
28 up and went up inside our tent.

1 Q: Okay. So you- so after it was done, you walked- you
2 basically broke from your observations that you made initially.
3 Is that what you're saying?

4 Q: He's noddin' his head yes.

5 A: Yeah.

6 Q: Yeah. Okay. I just wanna make sure. I didn't see you
7 noddin' your head. Now, what I'm a little confused about- and we
8 weren't here. You were here. And we're not tryin' to put words
9 in your mouth. In the- could you draw a circle, in terms of the
10 motion he was making in front of the officers so we can get some
11 sense? Because circles like this is based on interpretation, so
12 I'm tryin' to get a sense of special relationship, in terms of
13 distance he's coverin' and what he's doin'. Because you say-
14 you're telling us now you didn't see any weapon on him as they're
15 giving him commands to get on the ground. Why do you think they
16 were telling him to get on the ground?

17 A: For their safety and his safety.

18 Q: Okay. Alright. That's fair. Why don't you draw for me
19 the circle he was making in relation to the officers, if you can.

20 A: I don't know.

21 Q: Well-

22 A: I don't really know.

23 Q: Could you act it out for us?

24 Q: Could you show us?

25 A: He was just goin' in circles like-

26 Q: Oh. He was spinning?

27 A: Yeah.

28 Q: So just spinnin' around?

1 A: Yeah.

2 Q: He was spinning. It is a-

3 A: That's when the officer pulled his gun and started
4 shooting.

5 Q: Okay. He was spinning. So there's a difference between
6 goin'- walkin' in circles and spinning in place. So you're
7 telling us now he was spinning in place. Never in the direction
8 of the officers?

9 A: Because he was movin' away- he was tryin' to move out
10 the- being hit by the shotgun.

11 Q: Okay.

12 Q: When he got hit by the shotgun, did he fall down to the
13 ground?

14 A: No.

15 Q: He never fell down? Do you know what part of his body
16 he got hit with the shotgun?

17 A: His lower hip, rib cage and lower area.

18 Q: How do you know that?

19 A: 'Cause his shirt was goin' up.

20 Q: Okay. And you're- you lifted your shirt up to show us
21 but you used your right hand to show- to rub on the left side of
22 your body. You think he got hit on the left, lower rib cage
23 area?

24 A: Mm-hmm.

25 Q: You think so? Now, did you see your friend's hands at
26 all?

27 A: No.

28 Q: You didn't see it?

1 A: Well, I'm sayin' I seen when he fell, hit the ground.
2 That's when I saw the knife hit the ground.

3 Q: Okay.

4 Q: Okay. Now, do you know which hand- I mean, if you're
5 standin' where- the way you drew this, you're standin', more or
6 less, you're standin' to the north side of him. You know? Based
7 on what you're drawin', I'm tellin' you you were standin' to the
8 north. Right? Now, when he fell down, you saw the knife just-
9 what did the knife do?

10 A: The knife hit the cement.

11 Q: And where did you think the knife came from?

12 A: I don't know. I think it came from his lower hip area,
13 where he had it.

14 Q: And when you say he, are we talkin' about your friend,
15 the subject we're talkin' about?

16 A: (Non-verbal response).

17 Q: So are you telling us that you believe he was the person
18 who possessed that knife?

19 A: Uh-huh.

20 Q: What did you say?

21 A: I know he had the knife.

22 Q: You just didn't-

23 A: He carries a knife on him all the time when he goes to
24 his cycles.

25 Q: Okay. Alright. Tell us a little bit about your friend.
26 Is he- does he seem to be mentally challenged? Does he have
27 issues with any mental stability, that you know of?

28 A: I know he talks to his self-

1 Q: Okay. Alright.

2 A: All the time.

3 Q: Does he- do you know if he's on medication or under a
4 doctor's care?

5 A: I think he is on medication 'cause he- when he's by his
6 self, he goes off, like. He talks to somebody and there ain't
7 nobody around though. And he always screamin' and hollering.

8 Q: He screams and hollers? Would you say that- when you
9 say he's a friend of yours, have you ever partied with him or are
10 you- did you ever share a meal with him?

11 A: I lived with him before, before he ever came to the
12 streets.

13 Q: Yeah?

14 Q: What is his name? What do you guys- what did you call
15 him, if you don't know his name? What is his name?

16 A: I called him by Jose.

17 Q: Jose.

18 Q: Jose?

19 Q: Now, do you speak Spanish?

20 A: No.

21 Q: Okay. But he- does he speak English?

22 A: He speaks Spanish but he understand English little bit.

23 Q: Okay. Would you be able to communicate with him? Like,
24 if you lived with him, would you be able to hold a conversation
25 with him?

26 A: Not really.

27 Q: No? Okay. That's fair. The knife that you know that
28 he carries, what does it look like?

1 A: One of them- a regular (it ain't legal), un-legal knife
2 we can't carry up on us.

3 Q: So does it- is it, it was- I think what he's tryin' to
4 say, was it a pocket knife that folds? Was it a kitchen knife?
5 Was it a, you know, a paring knife? What did it look like to
6 you?

7 A: It think it was one of them kitchen knives.

8 Q: Yeah.

9 Q: How long do you- how big did you think it was?

10 A: I don't know.

11 Q: Okay.

12 Q: Alright.

13 Q: Okay. So I'm gonna ask you somethin' now, so don't get
14 mad at me. I've never met you before. I don't know if you're
15 tired. I mean, I'm sure you're a little bit tired. Do you do
16 any kind of drugs, any marijuana, any- do you drink?

17 A: (Non-verbal response).

18 Q: No? Are you on any medication yourself?

19 A: I work. I work [REDACTED].

20 Q: Yeah.

21 A: And then the [REDACTED].

22 Q: Yeah, yeah.

23 A: Babies.

24 Q: How do you know two babies? Is [REDACTED] gonna be the
25 [REDACTED] of your [REDACTED]?

26 A: Yes.

27 Q: And does she have [REDACTED] in there?

28 A: Yes.

1 Q: Nice. Okay.

2 A: Yeah.

3 Q: Yeah.

4 Q: Could- [REDACTED] [REDACTED], could you do me a favor? This sketch
5 that have- is that a accurate assessment of what you believe
6 happened, in terms of at least where the officers are standing?

7 A: Yes.

8 Q: Okay.

9 Q: And we'll just narrate it out. We got Jose is the
10 circle, the two officers are the circles with the Xs, and then we
11 got- you drew yourself inside a- like a half rectangle. That's
12 where you were standin' when this all jumped off?

13 Q: And it's directly across the street from a buildin' that
14 has a-

15 A: The- none of this, ah- the one in the middle, the
16 building where the alarm or-

17 Q: The red alarm, yeah. It's right- the buildin'-

18 A: Yeah.

19 Q: Has the

20 A: I know one of them-

21 Q: Numbers 442 affixed to it, directly across-

22 A: Yeah.

23 Q: The street from the- okay.

24 A: I know one of them got a camera.

25 Q: How do you know that?

26 A: 'cause we seen it, me and my girl seen it-

27 Q: Okay.

28 A: From there, from our spot. 'cause I know that camera is

1 sittin' right there by my tent area.

2 Q: Okay.

3 Q: Did anybody from social service come and check on you
4 guys today, any, you know, the HOT Team?

5 A: The HOT Team, yeah.

6 Q: Okay. Well, tell us about the HOT Team. Did they talk
7 to you today?

8 A: Yeah.

9 Q: Okay. And what did they talk to you about?

10 A: They was tellin' us we had a appointment at 11:00-

11 Q: They came out here?

12 A: Yeah.

13 Q: Okay.

14 A: And told us go to that appointment and make sure we make
15 it to that appointment.

16 Q: Sure. Did you see the HOT Team talk to your friend
17 Jose?

18 A: No.

19 Q: Okay. Did you see them around when this all happened to
20 Jose?

21 A: No.

22 Q: You didn't see the HOT Team? Okay.

23 A: We seen 'em, then they got up and left-

24 Q: They did leave?

25 A: After they came and talked to us.

26 Q: Okay. Okay. Do you know their names?

27 A: No.

28 Q: Okay.

1 Q: [REDACTED], could you sign this? Is that a accurate
2 assessment of the placing of where you think you believe your
3 tent, the two officers and Jose was standing?

4 A: Yes.

5 Q: Okay. Thank you for your time.

6 Q: And just date it right there. And today's the 7th.

7 A: Mm-hmm.

8 Q: April 7th, yeah.

9 A: What's the year?

10 Q: 2016, 1-6. Alright. We appreciate it.

11 A: Yup.

12 Q: Well, you know, one last thing: I mean, if you- do you
13 think you would have seen more than [REDACTED] or was [REDACTED]
14 inside the tent while this was all goin' on?

15 A: (Non-verbal response).

16 Q: You're noddin' your head. Is that-

17 A: Yes.

18 Q: That's a yes? So [REDACTED] was inside and you were
19 outside?

20 A: Yup.

21 Q: Okay. Alright. [REDACTED], thank you for your time man.

22 A: Yup.

23 Q: Thank you.

24 Q: Alright.

25 Q: Appreciate the cooperation. END OF INTERVIEW.

26

27 GEORGE
GASCÓN
DISTRICT
ATTORNEY

28

[REDACTED]: [REDACTED]